194 File No.

PUBLIC WORKS DEPARTMENT

A CLASS BRANCH

Subject:—

File No. 566/36 1945

Std. Scott. Slip 24-B

G. R., G. D., No. 2403, dated 22-6-22.]

Std. Sectt. 78 a.

DOCKET SHEET

Subject:—

File No.

DEPT.

BRANCH.

References:—

Date.	To whom sent.	Notes and instructions.
17/6	S.S.	issue no. to Rl. Gr. (19-7-48)
3/8	S.S.	issue no. to Rl. Gr. to Engt. (3-9-48)
15/9	S.S.	issue no. to Rl. Gr. to Engt. (25-10-48)
21/4/49	S.S.	issue no. to Fin Dohlt (10-5-49)
26.4.49		Pl. return to P.W.D.
2/5/49	S.S.	issue letter + enclr. as noted + bance

O R D E R.

Public Works Department,
Bombay Castle, 3rd May 1944.

No.5660/36.- Whereas by Government Order, Public Works Department No.5660/36, dated the 29th April 1944 Government was pleased to intimate to the Hubli Electricity Company, Limited, Hubli, under clause (d) read with clause (g) of section 5 of the Indian Electricity Act, 1910 (IX of 1910) that it had elected to purchase the undertaking of the said Company and to require the said Company to sell the undertaking to the Government and to hand over possession of the same to Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, on the 1st May 1944;

And Whereas the said Company has failed to comply with the said Order pending the settlement of the price and completion of the purchase;

And Whereas the determination of the price as provided in clause (b) of section 5 of the Indian Electricity Act, 1910 (IX of 1910) and the completion of the purchase of the said --- undertaking would take time;

And Whereas it appears to the Government of Bombay that in the interests of the efficient prosecution of the war and for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole of the said undertaking pending completion of the purchase of the said undertaking;

Now, Therefore, in exercise of the powers conferred by sub-rule (3) of rule 81 of the Defence of India Rules, the Governme of Bombay is pleased -

(i) to authorise Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, to exercise, such effective control as to keep the said undertaking in efficient working order consistent with the provisions of the Indian Electricity Act, 1910; and

(ii) to prohibit the Hubli Electricity Company, Limited, Hubli, from interfering with or obstructing the said Mr.Nidamangalam Chakrapani Raghavan, Deputy Engineer, in the discharge of his functions under clause (i).

By order of the Governor of Bombay,

R.H.HAMMETT,

Secretary to Government.

VR.3/5.

Copy of letter No.Tax S.R. dated the 25th August 1944 from the Chief Officer, Municipal Borough Hubli to N.C.Raghavan Deputy Engineer, The Hubli Electric Supply.(P.W.D.)Hubli.

Subject:- Municipal Taxes on Electricity Company's Buildings for the year 1944-45.

The Managing Agents, the Hubli Electricity Co.Ltd. inform that the Government of Bombay has purported to purchase the electrical undertaking including the building property with effect from 1-5-44 and that a bill of taxes should, therefore, be rendered in your name.

Under the section 87(1) and 89(2) of the B.M.B.Act you are liable to give notice of such transfer to the Municipality and are liable to pay the taxes on the said buildings. Will you, therefore, please give notice as to what properties (specifying by their description and C.T.S. and Municipal Nos. have been purchased by the Government, so that a bill can be sent to you.

"True Copy"

Head Clerk to the
Electrical Engineer to Govt.

No.LRM.11/ 2527 of 1944. P.W.D.Offices, Churchgate St Fort, Bombay, 7th Septr. 1944.

To

The Secretary to Government,
Public Works Department,
Bombay.

Re: Hubli Electric Undertaking- Payment of Municipal Taxes.

I enclose a copy of letter No.Tax S.R. dated the 25th August 1944 from the Chief Officer, Municipal Borough, Hubli, addressed to the Deputy Engineer, in-charge, Hubli Electrical Undertaking. Certain buildings connected with the electric supply have been taken over by Government from the Hubli Electricity Co.Ltd. for the purpose of exercising control over the Hubli Electrical Undertaking in accordance with order No.5660/36 dated the 3rd May 1944. There is no actual transfer of ownership as contended by the Chief Officer, Municipal Borough, Hubli. It appears that being in physical

p.t.o.

possession of the buildings taken over from the Hubli Electricity Co.Ltd., Government are liable to pay the municipal taxes in respect of these buildings on behalf of the Hubli Electricity Co.Ltd. for such period as Government continues to be in possession.

It is requested that Government may be pleased to issue early instructions in the matter.

EE 13/5/47

Electrical Engineer to Govt.

5660/36

2463

5660/36
24636

El. Br.

P.W.D.

Submitted

2. The view taken by the H. Engr to Govt at 'A' seems to be correct. The R.S.A may however be requested N.O. to advise'

8160

B/ 22-9-44. 21/9/44

21.IX.44

L. C.
20 SEP 1944

/

urgent.
N.O. to R.S.A. pl the 22nd Sept 1944.

Office of the R.L.A.

The view taken by the Labour Officer in his report at page 1 ante is correct. By the appointment of Sir Frederick Stones as Controller under an order passed in exercise of powers vested under rule 81(2) of the Defence of India Rules neither the ownership nor the management of Seksaria Cotton Mills Ltd. has passed to the Central Government. In the Hattersley Mill case the Central Government was the de facto owner of the mill, but the management thereof was entrusted to a private person. (See R.L.A's opinion 4826 dated 12-7-43). Consequently that case is clearly distinguishable and the R.L.A's opinion given in that case has no application to the present case. The Seksaria Cotton Mills Ltd. would therefore continue to be governed by the Bombay Industrial Disputes Act, 1938, notwithstanding the appointment of Sir Frederick Stones as Controller under rule 81(2) of the Defence of India Rules

Sd. P.N.Moos
Remembrancer of Legal Affairs.
dated the 31st July 1944.

U.R. to P.& S.D.No.5379.

Office of the R.L.A.

The Governme Bombay had elected under the Indian Electricity Act, 1[illegible] to purchase the undertaking of the Hubli Electricity, Ltd. Pending the settlement of price and completion of purchase, the Government has thought it expedient to pass an order under rule 81(3) of the Defence of India Rules to authorise Mr. N.C. Raghavan, Dy. Engineer to exercise such effective control as to keep the said undertaking in efficient working order consistent with the provisions of the Indian Electricity Act. If the duties of Mr. N.C. Raghavan are confined to seeing that the undertaking is kept in efficient working order it cannot be said that either the ownership or the management of the Company has passed to Government (vide R.L.A's opinion No. 5379, dated 31.7.1944). Nor is it intended by clause (b) of sub-rule (3) of rule 81 of the Defence of India Rules that the actual management should be interfered with. The management is to remain as before; the effect of the order is to require the management to comply with the orders issued by the authorised Controller. Under these circumstances, the question of giving notice by Government under section 87(1) of the Bombay Municipal Boroughs Act,1925 does not arise as the transaction of purchase has not been completed and the property of the company has not been transferred to Government. Government Order, P.W.D. No. 5660/36, dated 3.5.1944 has not authorised Mr. N.C. Raghavan, as assumed by the Electrical Engineer to Government in his letter at page 6, to take over the buildings connected with the electric supply for the purpose of exercising control over the undertaking. Mr. Raghavan might have entered upon the premises of the Company or established his office therein in exercise of his powers as a

† copy p 9 enclosed.

Controller in virtue of the provisions of rule 132 of the Defence of India Rules. But that would not amount to being in physical possession of the buildings. The inference drawn by the Electrical Engineer at 'A' of his letter at page 6 ante, that Government are liable to pay the municipal tax in respect of these buildings on behalf of the Company is not correct. So long as the day to day management continues with the Company subject to the control of Mr. Raghavan, the Company will continue to be liable to pay all taxes in respect of the buildings. The view taken by the Electrical Engineer to Government is not correct.

Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 8094, dated the 18th November 1944.

El Br. P.W.D.

Submitted with reference to the o.n. on p. 7 ante.

2. With reference to 'A' above the actual position is that the day to day management does not rest with the Coy but has been taken over by Mr Raghavan for the effective exercise of the duties entrusted to him under G.O. no 5660/36, & the 3-5-44. the licence granted to the Coy for the supply of electrical energy was revoked with effect from the 1-5-44. The Coy is not therefore entitled to con give the supply of electrica

3. The Coy has already filed

E/Pr.20/11

PUBLIC WORKS DEPARTMENT
File No. 5660/36
18 NOV.
Serial No. 3202

that G.O. No 5860/36, of the 3.5.44 taking over the control of the undertaking is illegal, ultra vires and void in law. A notice of motion was also read praying that pending the hearing & the final disposal of the above mentioned suit the Govt and its servants may be restrained from interfering with the plaintiff's possession and enjoyment of the undertaking and that full possession and enjoyment of all the properties and plant used in connection with the said undertaking may be restored to the plaintiffs. From the informal enquiries it is understood that the injunction motion came up for hearing on the 1st Dec 1944 and the hearing of the suit has been adjourned till the 15th Feby 1945.

4 The opinion of the R.F.A in these papers ± appears to have an right bearing on

5660.36
3.2020

the suit mentioned in the preceding para is as much as it discloses that the action of Mr Raghavan in taking over the day to day management is not in order. On the circumstances it is for consideration whether the Govt may be requested to explain the whole position to the R. S. A. personally & obtain his further advice in consultation with the Solicitors to Govt.

I think this is an incorrect conclusion.

CY

8/11/44 Whilst a complete control of the Hubli Undertaking has been taken over by Govt, the ownership of the Undertaking is still with the Hubli El. Supply Coy. Presumably the Govt. is collecting

5260/36
32020

the amounts realised by the sale of el. energy by the consumers and should therefore also pay the taxes in respect of the property which is controlled by Govt. It is also presumed that an account of the recoveries credits and debits will be maintained as long as the control of the undertaking vests in the Govt & then adjusted with the El. Supply Org. I think the El Engr may get the matter cleared as suggested by the Vice.

Sd
8. Feb 45.

Yes, I agree.
The actual position is clearly very different from that anticipated by the Rly A.

Sd
8/2/45

INDIA OFFICE (L)
No. 10163
17 JAN 1945
Library

V. urgent.
Q.v. to el engr, & cut 11½ Days issue.

Below U.O.R.No.5660/36/32020 dated the 11th December 1944, from Government in the Public Works Department.

No. LRev II 4279 of 1945.

Bombay, 19th January 1945.

Returned, with compliments.

2. The matter was discussed with the Solicitors to Government, who elucidated Government's present position in fact and in law to the Remembrancer of Legal Affairs whereupon the Remembrancer of Legal Affairs agreed that Government should instruct Mr.Raghavan to pay up the Municipal Taxes, which have accrued since the undertaking has come under his control, with a clear statement to the effect that the said payment is made by him as Deputy Engineer in charge of the undertaking and without prejudice to Government's right in the matter. It is suggested that this should be confirmed by the Remembrancer of Legal Affairs.

Electrical Engineer to Govt.

P.

5660/36
2225

18

El. Br.

P.W.D.

Submitted with reference to the notes on pp 12 15 ante,

2. The papers may be refd. U.O. to the R.S.A. as suggested by the El. Br. to ent[illegible] for confirmation of the statement at 'A' overleaf

23/1/45

CH
23.I.45

23/1

U.O. to RSA; of 24-1-45.

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
No. 761
Dated 24-1-45
Branch AR

(10-2-45)

El. Br. 19/1

PUBLIC WORKS DEPARTMENT
File No. 5660/36.
19. JAN 1945
Serial No. 2225

CLR
19.1.45

No. LRM.11/4560 of 1945. P.W.D.Offices, Churchgate Street, Fort, Bombay, 6th ~~January~~ February 1945.

Letter.

To

The Secretary to Government,
Public Works Department, Bombay.

Re:- Hubli Electric Undertaking:
Payment of Municipal Taxes.

Reference: This office U.O.R.No.LRM.11/4279 dated the 19th January 1945.

As the Chief Officer, Municipal Borough, Hubli, has been pressing for the payment of Municipal taxes in connection with the above undertaking, it is requested that Government may be pleased to issue very early orders in the matter.

5760/36
4219

22

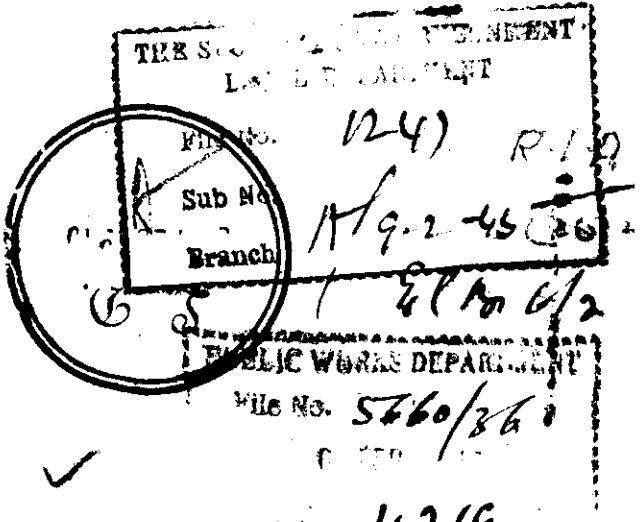
El-Br. P.W.D.

Submitted.

2. The main file (No 5760/36/2205) has been sent U.O. to the R.F.A.O. on the 23rd instant. When may be returned U.O. to him with a request to expedite the return of the main file with his remarks.

21/Mar/45

U.O. to R. F. A. O. 8-2-45



19

Office of the R.L.A.

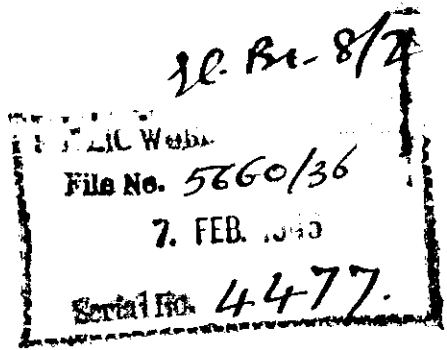
b 17

The Electrical Engineer's note of 19th January is correct and the course proposed therein may be followed.

Remembrancer of Legal Affairs.

U.R. to P.W.D. No. 114-c dated the 7th Feb. 1945.

GB 7.II.45


Public Web
File No. 5660/36
7. FEB.
Serial No. 4477.

Submitted with ref. to P.W.D.
note at p. 2 ante.

The P.W.D. may be
informed that the reference
regarding payment of Municipa
taxes has been returned to
that deptt. with a reply on the 7th Feb. 1945
under this office ur. No. 1140.

9/2

SHS

ur. P.W.D. No. 23 9-2-45.

5660/36
2225

24

El. Br.

P. W. D.

Submitted with reference to the proceedings on p. 18 ante.

2. The R. E. in. has confirmed the El. engineering work at the p. 17 p. 19 .9.1945 and suggests that the course proposed therein may be followed. The draft bond p. 9 up may require, if altered. A(R) need not be troubled.

EZ/
30/7/45

All
31.II.45

El Br 9/2

PUBLIC WORKS DEPARTMENT
5660/36
9. FEB. 1945

25

5660.36
4219

No 5660/36 El

P.W.D.
B.C. 23rd Febr 1945

To

The Supdg Engr to Govt

Sub:— Hubli Electricity undertaking.
Payment of Municipal Taxes.

Reference correspondence ending with
your letter no FRM-II, 4560 dt the 6th Febr
1945.

2. The Sup. Engr in charge of the Hubli Electricity undertaking should be instructed to pay up the Municipal Taxes which have accrued since the undertaking was come under his control, with a clear statement to the effect that the said payment is made by him as Sup. Engr in charge of the undertaking and

vide pp 17 & 19

5660/36
42.9

without prejudice to Govt's right in the matter.

By order of the Govt.

GS
21.II.45

ISSUED
On 2-6-45
DS (S&T)

GS
29/12/45

No. Tax.
Municipal Office, Hubli,
Dated 10th March 1945.

Subject:- Payment of municipal taxes for the year 1944-45.

To

The Deputy Engineer,
Hubli Electric Supply, P.W.D.,
Hubli.

Ref: Your letter No.940 dated 9/3/1945,

Sir,

An official receipt for the amount paid by ~~ix~~ you is already sent. In this connection, I wish to point out that our tax is a yearly tax, payable in advance and as such, you will have to pay the full tax for the year and not from the date of your taking possession of the property. You are, therefore, requested to pay the balance immediately.

Your obedient servant,

Sd/- K.A.Kalburgi,
Chief Officer,
Municipal Borough, Hubli.

" True Copy "

Head Clerk to the
Electrical Engineer to Govt.

No. LRM.11/ 292 of 1945.

P.W.D.Offices, Churchgate Street,
Fort, Bombay. 17th April 1945.

Letter.

To

The Secretary to Government,
Public Works Department, Bombay.

Re:- Hubli Electricity Undertaking - Payment of Municipal taxes.

Reference: Government, Public Works Department, letter No. 5660/36-El. dated the 23rd February 1945.

In accordance with the orders issued in the above Government letter, the amount of Rs.786-6-2 on account of Municipal taxes accrued for the period since Government took over certain buildings in the Power House compound have been paid. The Chief Officer, Municipal Borough, Hubli, has, however, claimed the payment of the taxes for the whole year, vide copy of his letter addressed to the Deputy Engineer, Hubli Electricity Undertaking, enclosed. It is requested that early orders may please be issued in consultation with the Remembrancer of Legal Affairs, if necessary, as to whether the balance of the taxes for the year 1944-45 are to be paid by the Deputy Engineer, in which case the additional amount paid to the Municipality will be adjusted at the time of payment of the valuation amount to the Hubli Electricity Co.,Ltd.

X

Very early orders are requested.

P.

Electrical Engineer to Govt.

5660/36
12652

PWD

El. Br.

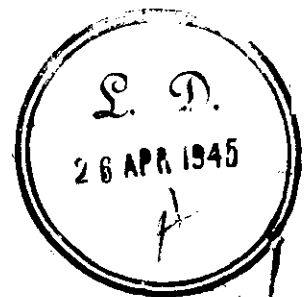
Submitted with ref. to G. L. No. 5660/36-El., dated the 23-2-45, and the notes underlying it.

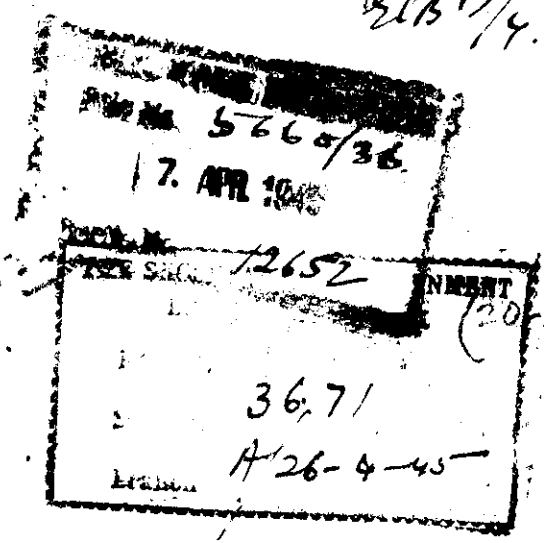
2. The view taken by the El. Engr. to Govt. at X of his note overleaf seems to be correct. The R. L. A. may however be requested no. to advise

PRO
21-4-45

Or
25 IV 45

T. U. O. R. to the R. L. A. dated the 26-4-45.





Office of the R.L.A.

Under section 112 of the Bombay Municipal Boroughs Act, 1925 all municipal taxes levied in the form of a rate on lands or buildings or both are a charge upon the building or land in respect of which they are leviable. Consequently there is no legal objection to the course X proposed by the Electrical Engineer to Government in his letter at page 29 ante.

P. [illegible]

Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 4607, dated the 22th June 1945:

21/6
ELBI 20/6.
WAR DEPARTMENT
5660/36.
20 JUN 1945
20177
ELBI
copies

5660/36/12652

El. Br. (1)

× Subject: —

Hubli Electricity Undertaking: Payment of Municipal Taxes.

File 5660/36/12652 was refd. U.O. to the Legal Deptt. on 25-4-45. As it is not yet recd. that Deptt. has been expedited on 19th June 45.

19/6/45

for S.P.V. P.R.V. 19-6-45.

ISSUED
19-6-45

Awaiting (25-6-45)
19/6

Urgent

–21,000—10-43—R8

Std. Sectt. 23 [illegible]

[illegible] PARTMENT
[illegible] No. 5783
[illegible] A 21643

Public Works DEPARTMENT.

Unofficial Reference

The attention of the Legal Department

No. 5660/36/12652-El(1) ~~Department~~ is requested to the unofficial reference from

dated 25-4-1945 this Department noted in the margin, tho very early return of

Subject— which with a reply will be convenient.

P. R. Das

Hubli Electricity Undertaking:
Payment of Municipal Taxes.

For Assistant Secretary to Government.

Unofficial reference to the Legal Department

Department No. 5660/36/12652 dated, 20th June 1945.

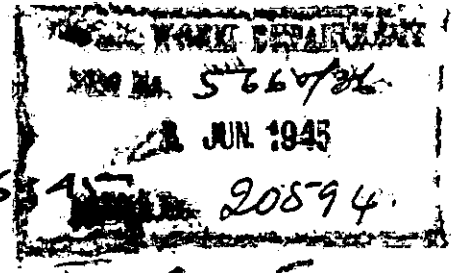
Office Order R.L.A.

The case referred to in the reminder has been returned to P.W.D. under their office no. 4607 & 20645 Thursday, therefore, be returned in Confirmation

RLB 22/6.

S.N.S. RB 22/6

WR to P.W.D. No. 4727 & 23-6-45



37

5660/36
20594

El.Br.(I). P. W. D.

Submitted with ref. to this Deptt. u.o.r. dated the 26-4-45.

2. In view of the R.L.A's opinion d/ the 20-6-45, the draft put up may issue, if approved.

PRV
26-6-45.

5660/36/20594. 38

No.5660/36-El.(I). P. W. D.

B. C., 28th June 1945.

To

The El. Engr. to Govt.

Sub:- Hubli Ely.Undertaking;.
Payment of Munl. taxes.

Ref: Your letter No.L.R.M. 11/292,d/the 17-4-45.

2. The Dy.Engr. in charge of the Hubli Ely. Undertaking should be instructed to pay the balance of the Munl.taxes for the year 1944-45, the addl. amt. paed to the Muncl.Borough, Hubli, being adjusted at the time of payment of the valuation amount to the Hubli Ely.Co.,Ltd.

D.A.-Nil.

PRV 26-6-45.

By order of the G. of B.

ISSUED on 28/6/45

26 VI 45

28/6/45.

Issue to-day and back.

28/6

VMW. 26/6.

Copy of notice No.B.N. 131/44-45 dated nil from the Kulkarni, Bommapur, to the Deputy Engineer, The Hubli Electrical Supply P.W.D.,Hubli.

There is a balance of non agricultural assessment due from your department for the Electrical premises of Rs. 616-10-0 Six hundred and sixteen and annas ten only for the year 1944-45 which has not been credited until today. Please see that the amount will be credited within a week.

======

"True Copy"

S.S.Wagle

Head Clerk to
Elec.Engr.to Govt.

41

No. LRM. 11/1140 of 1945-46.

P.W.D. Offices, Churchgate St.,
Fort, Bombay 12th June 1945.

To

The Secretary to Government,
P.W.D., Bombay.

Re: Hubli Electricity Undertaking:
Payment of non-agricultural assessment
of land revenue and ground rent etc.

1-1

1. I enclose a copy of notice from the Kulkarni of Bommapur addressed to the Deputy Engineer in charge Hubli Electrical Undertaking, demanding a sum of Rs.616-10-0 being the non-agricultural assessment of Land Revenue on the Power House lands for the year 1944-45 and request that Government may be pleased to issue orders as to whether the payment of the above assessment may be made in full or on the analogy of the orders issued in Govt. letter No.5660/36 El dated the 23rd February 1945 viz. so much of the assessment as accrued due since the undertaking came under the control of the Deputy Engineer.

MB 25.6

2. Similarly a ground rent amounting to Rs.48/- per annum for the sub-station in Kamaripeth, Hubli, has been demanded by one Mr.K.N.Karoli for the year 1944-45. It is verified from the records of the Hubli Electricity Co.Ltd. that the rental has been paid in the past and orders may also be issued as regards the payment in this respect as early as possible.

H

Electrical Engineer to Govt.

5660/36
19230

42

P.W.D.

El. Br. (I).

Submitted.

2. File No. 5660/36/12652 containing G. L. No. 5660/36-El, dated the 23-2-45, quoted by the El. Engr. to Govt. and reqd. for the disposal of this case, has been referred no. to the L. D. on 25-4-45. The L. D. has been expedited to-day for the return of that file. This case will be resubmitted as soon as the f. f. become available.

P.W.D. Await[illegible]
19-6-45.

20/6/45 S. A. S.

A. S.
20/6

vide El B I [illegible]
[illegible] before
flagged S.

PUBLIC WORKS DEPARTMENT
File No. 5660/36
12 JUL 1945
19230

El B I
12 [illegible]

5660/36
19230

Public Works Department.

El.Br.(I).

Resubmitted.

2. Para.1 of the El.Engr. to Govt's letter of 12-6-45.- Please see-

(1) 'X' of the El.Engr.to Govt's letter, dated the 17th April 1945,

(2) R.L.A's opinion No.4607,dated the 20-6-45,thereon; and

(3) the orders issued in G.L.No.5660/36-El.(I), dated the 28-6-45.

On the anology of these orders there seems to be no objection to the payment of the non-agricultural assessment of land revenue being made in full, the amount paid being adjusted at the time of payment of the valuation amount to the Hubli Ely.Co.,Ltd., A

3. Para 2 of the El.Engr.to Govt's letter of 12-6-45.- In the circs.stated in the preceding para., there does not also seem to be any objection to the payment of the ground rent amounting to Rs.48/- being made in full, subject to the condition mentioned at 'A' above.

4.The R.L.A. may be requested uo. kindly to advise.

2-7-45.

U.O.R. to the R.L.A. dated the 3-7-45.

x with file No. 5660/36/20594.

5660/36
1930

6 44

Office of the R.L.A.

REB I 17/7.

Seen and returned.

5660/36

Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 5255, dated 17-7-1945

5660/36
17. JUL 1945
23457.

Rel. Br. (1).

Subtd. w.r.t: the O.n. dated 2-7-45.

2. The R.L.A. has no objection to the course suggested in the O.n. being followed. The accompanying draft may therefore, issue, if approved.

26.7.45

Letter. 7 45

5660/36
23456

No. 5660/36-El. (1).

P.W.D.,
B.C., 18th July 45
Aug.

To

The Elecl. Engr. to Govt.

Subject:- The Hubli Ely. Undertaking.
Payment of non-agricultural assessment of land revenue and ground rent etc.
P.3

Ref: your letter No. LRM II/1140, d. the 12-6-45.

2. The Dy. Engr. in charge of the Hubli Ely. Undertaking should be instructed to pay up the full sums of Rs. 616-10-0 and Rs. 48-0-0 wh. are respectively the non-agricultural assessment of land revenue on the Power House lands and the ground rent for the sub-station in Kamaripeth, Hubli, for the year 1944-45, with a clear statement to the effect that the said

5660/36
23456

payments are being made by him as Dy. Engr. in charge of the undertaking and without any prejudice to Govt.'s right in the matter.

3. The amt. paid, in each case, in excess of that wh. has actually accrued since the undertaking was taken over shd. be adjusted at the time of payment of the valuation amt. to the Hubli Ely. Co., Ltd.

DA-Nil

By Order etc.,

26.7.45

26 VIII 45

28/7/65

47

No. LRM.11/ 1976 of 1946.
P.W.D.Offices, Churchgate Street,
Fort, Bombay, 24th August 1946.

To

The Secretary to Government,
Public Works Department, Bombay.

Re:- The Hubli Electricity Undertaking -
Payment of non-agricultural assessment of land revenue and ground rent, etc.

Reference: Government, Public Works Department, letter No.5660/36-El.(I) dated the 1st August 1945.

2. The above charges being of recurring nature, it is presumed that the payment of the charges for the year 1945-46 can also be made in accordance with the directions issued in para. 2 of the above letter. The presumption may please be confirmed.

Electrical Engineer to Govt.

P.

5660/36/34034 L.S

El. Br. cls.

P. W. D. file

Please see (a) the O.N. top/lh/ left d. the 2-7-45, & (b) G.L. No. 5660/36-El cls d. the 1-8-45. The presumption made by the El. Engr. in his letter overleaf seems to be correct. The draft put up on my issue, if appd, after cor. to the Jt. L.A.

Thra' AB.

24-9-46.

ABS
23-9-46

EIB(1) 24/9

GH 24/IX/46

JS.

P. W. D.
File No. 5660/36
Serial No. 34034

49 5660/36/34034

No. 5660/36-El.cb P. W. D.

B.C., 30th Nov. ~~Sept.~~ 1946.

To

The El. Engr. to Govt.

Sub:— The Hubli Ely. undertaking
— Payment of non-agricultural assessment of land revenue and ground rent, etc.

8349 Ref ee:— your letter No. 147 RR M. 11/1946, dated the 24-8-46.

2. The presumption made in your letter quoted above is correct.

By Order etc.

24-Nil. (24 to 46) 453 23-9-46

Issued 2/12/46 25-

2579 GU 24-12-46.

U. O. & R. & A. 8 26-9-46

51

No.LRM 11/ 2919 of 1946.

P.W.D.Offices,Churchgate Street,
Fort,Bombay 1.d/ 28th October 1946

To

The Secretary to Government,
Public Works Department,Bombay.

Re:- The Hubli Electricity Undertaking.
Payment of non-agricultural assessment
of land revenue and ground rent etc.
=====

Reference : This office letter No.LRM 11/1976 dated the 24th August 1946.

2. A reference is invited to this office letter referred to above and it is requested that Government may be pleased to issue very early orders in the matter.

Electrical Engineer to Govt.

5660/36
43899

-El. Br (I).

P.W.D.

Submitted →

2. The main file (No 5660/36/34034) is under U.O.R. to the R.&A. since 25th ultimo. That officer may be requested U.O. to expedite its return with his remarks.

SRA
30/10/46

31/10/46

U.O. to R.&A. dt 1-11-46

SECRETARIAT GOVERNMENT
LEGAL DEPARTMENT
File No. 9624
Subject A 22-46

III in Br. 24/10

5660/36
34034

E(I)
29/10

A

P. W. D.
File No. 5660/36.
Serial No. 43899

E(I)(1) 28-10-46

53

Office of the R.L.A.

Seen and returned.

Remembrancer of Legal Affairs.

U.R.to P.W.D.,No. 8203 ,dated the 19th November 1946.

MRP.

5660/36
47504.

Gl. Br (I).

P.W.D.

E/(1)
20/11

Submitted with reference to
the o.n. of the 23-9-46.

2. The draft o/p is quite
may now issue.

29/11/46.

yes
CH
29/11/46

P. W. D.
File No. 5660/36
Serial No. 47504

E(1)(1) 20-11-46

Issued
9/12
2/12/46

W.K. (p.49)
30/XI

55

944

No. LRM.11/ of 1948.
P.W.D.Offices, Churchgate Street,
Fort, Bombay, 27th May 1948.

To

The Secretary to Government,
Public Works Department, Bombay.

Re:- Hubli Electricity Undertaking - Payment of ground rent for Keshwapur Sub-Station.

One Mr.A.J.Pinto from Hubli has forwarded a bill to the Deputy Engineer, I/C Hubli Electrical Undertaking, for payment amounting to Rs.250/- on account of ground rent due to him for the period from 1-9-43 to 31-8-48 at Rs.50/- per annum for the Sub-station in Keshwapur locality. Mr.Pinto is not in a position to produce an agreement or any other document executed between him and the Hubli Electricity Co.,Ltd. in support of his claim. It is, however, verified from the records of the Hubli Electricity Co., Ltd., that similar rental has been paid to Mr.Pinto every year in the past and there seems to be no objection to pay the bill in question on the strength of that practice.

2. Government is requested to issue early orders as to whether the full amount of the bill, which includes rental for some period prior to the taking over of the undertaking by Government may be made to Mr.Pinto on the analogy of the orders issued in Government letter No.5660/36-El(I) dated the 1st August 1945.

3. It is requested that very early orders may please be issued, as the party has been pressing for payment.

Electrical Engineer to Govt.

P.

E1.2815.

P. W. D.
File No. 566 o/36.
Serial No. 2815

E1 R

21-5-

5660/36/28115

El. Br P.W.D.

Submitted.

2/- The Hubli El. Supply Co., Ltd. failed to fulfil its duties and obligations under the I.E. Act 1910 The license granted to it has therefore been revoked since the 1-5-44 & Govt. has elected to purchase the Undertaking of the said Co. Pending, however, the settlement of the price and the ~~Compel~~ completion of the purchase of the Undertaking Govt. took over its control under the Defence of India Rules, which have since lapsed, vide, G.O. No. 5660/36 dated the 3-5-44. The question of price and purchase of Undertaking has not yet been settled and the control over the Undertaking continues to be exercised by Govt. under Section 5 of the I.E. (Bombay Amendment) Act, 1946.

3/- Mr. A.J. Pinto of Hubli has claimed an amount of Rs. 250/- from the Dy. Engr. I/c Hubli El. Undertaking on account of ground rent for the Keshwapur Sub-Station for the period from the 1-9-43 to 31-8-48. The El. Engr. has requested Govt to authorize him to make the payment

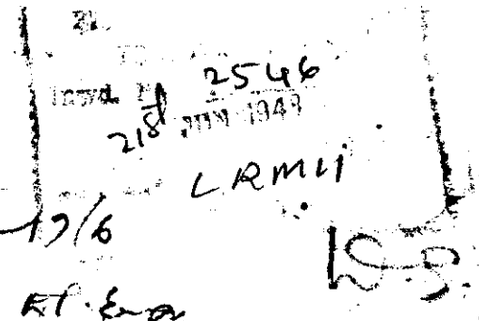
4/- The Hubli El. Undertaking was taken over by

5660/36/28115

by Govt. in May 1944. It is not clear why Mr. Pinto did not claim the ground-rent earlier. It is presumed that the El Engr. is satisfied that no amount was paid to Mr. Pinto by the Hubli El. Supply Co. as ground rent for the period from the 1-9-43 to 1-5-44. A

5/- Before any further action is taken in the matter, the El. Engr. to Govt. may be requested U.O. to elucidate the point raised in para 4 above.

16-6-48.



VBK 17/6

U.O. to El. Engr.

U.O. to El. Engr. dt 18-6-48

59

Below U.O.R.No. bho 55-58 5660/36/28115 dated the 18th June 1948, from Government in the Public Works Department.

No. L.Rev 11 1751 of 1948.

Bombay, 15th July 1948.

Returned, with compliments.

2. After going through the cash books of the Company, the Deputy Engineer has reported that a sum of Rs.50/- being the rent for the period ending 31st August 1943, has been paid by the Hubli Electricity Co. Ltd. to Mr.L.B.Pinto on 4-12-1943. Thereafter no payments have been made to him.

Electrical Engineer to Govt.

P.

P. W. D.
File 5660/36
Serial No. 38153

61 5660|36|38153

El.Br. P.W.D.

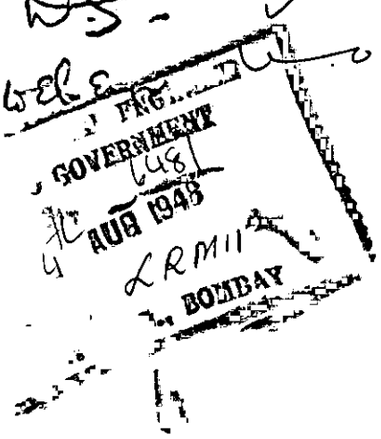
pb 5758

Submitted with ref. to this Deptt. U.O.R. dated the 18-6-48.

2. The papers were refd. u.o. to the El.Engr. to Govt. with a request to elucidate the points raised in para 4 of the O.N. pb 57-58 dated the 17-6-48. That Officer has not offered any remarks with ref. to 'A' in para 4 of the O.N. P.58 The pb. may therefore be again refd. u.o. to the El.Engr. for favour of clarification in the matter.

2-8-48.

U.O. W.E.E.



D.S. -

U.S. 21. Engr. Circuit, 23-8-48

Copy of letter No.Nil dated the 12th August 1948, from A.J.Pinto,Esqr., Landlord, Hubli, to the Deputy Engineer, Hubli Electric Supply, Hubli.

=====

As regards rent on Veshwapur sub-station claimed by me from 1-9-1943 to 1-8-1948, I have to state that as per old arrangements rent for 1943 was to be paid by the Company in 1944 and so on in subsequent years, by cheque immediately at the close of the year of their own accord without any bill or letter from me, but only a receipt to that effect. In the same way, I expected and waited for payment to come forth in lump sum for all previous years as well. Meanwhile, the Power house was taken over by Government. I had no anxiety in the least of getting payment from Govt. as I thought that old arrangements and practice would be continued and my due rent paid regularly.

After waiting all these years and getting reminders from you for the bill, I preferred my bill for the first time in July 1947. But till date payment is not made even though fresh year is to begin again from 1-9-1948.

I therefore request you to please arrange payment early and oblige.

"True Copy"

S.C.Wagle

Head Clerk to the
Electrical Engineer to Govt.

65

Below U.O.R.No.5660/36/38153 dated the 3rd August 1948, from Government in the Public Works Department.

======

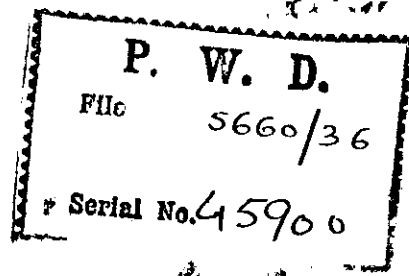
No. URM II 2665 of 1948.

Bombay, 21st August 1948.

Returned, with compliments.

2. A copy of Mr.Pinto's explanation for not demanding the rent in time every year is attached, and it is requested that early orders may please be issued regarding the payments due to Mr.Pinto.

Electrical Engineer to Govt.



5660|36| 45900.

El.Br. P.W.D.

Submitted with ref. to this Deptt. U.O.R. dated the 3-8-1948.

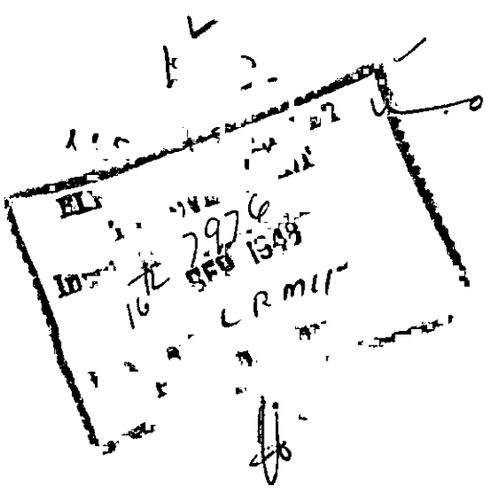
2|- The El. Engr. to Govt. has forwarded a copy of Mr. Pinto's explanation for not demanding the ground rent for Keshwapur sub-station in time every year.

3|- In this connection it may be pointed that it is seen from the El. Engr's U.O.R. on p. 5|ante that the ground rent for the period ending the 31-8-43 was paid to Mr. L.B. Pin whereas the rent for the ~~year~~ period from 1-9-43 to 31-8-48 is now claimed by one Mr. A.J. Pinto. Thus both these parties appear to be different persons. The El. Engr. may therefore be requested U.O. to reconcile this discrepancy. He may also be requested to state whether there is any documentary evidence to show that the land ~~where~~ on which Keshwapur sub-station is erected belongs to Mr. Pinto.

13-9-48.

ASM 15/9

to El. Engr Li cor. d 16-9-48



Belville,
Hubli.
7th February 1949.

To

The Deputy Engineer,
Hubli Electric Supply,
Hubli.

Dear Sir,

With reference to your letter dated the 30th January 1949 I have to submit as under:

The certificate from the District Magistrate for the payment of rent of your sub-station on our Keshvapur land, is not necessary as we are not claiming as belonging to the estate of our father L.B.Pinto. The land in question is belonging to us three brothers 1) A.J.Pinto, 2) L.B.Pinto, 3) V.C.Pinto. Out of these Nos.2 and 3, are residing out of Hubli and they have given me a letter to collect the money due to us and pass a receipt. Kindly arrange to pay the money at an early date.

Yours faithfully,

Sd/-A.J.Pinto.

Belville,
Hubli.
7th February 1949.

To

The Deputy Engineer,
Hubli Electric Supply,
Hubli.

Dear Sir,

With reference to the Sub-station situated on our land C.T.S.506, we have to state as under:

This property since the beginning belongs to three of us A.J.Pinto, 2) L.B.Pinto, 3) V.C.Pinto. During the life time of our father Mr.L.B.Pinto, he being our father, was managing the estate and collecting the rent on our behalf. After his death we are managing the same. Mr.A.J.Pinto being the eldest brother and two of us being generally outside Hubli, Mr.A.J.Pinto is managing on our behalf. So kindly arrange to pay the rent due to us three to him who is authorised to pass an effective re-

ceipt...

ceipt on our behalf.

Yours faithfully,

Sd/-L.M.Pinto. & M.C.Pinto.

======

"True Copies"

Head Clerk to the
Electrical Engineer to Govt.

71

Below U.O.R.No.5660/36/45900 dat the 16th September 1948, from Government the Public Works Department.

No. LRM II 7790 of 1949.

Bombay, 11 March 1949.

Returned, with compliments.

2. It appears from the enclosed letters received from Mr.A.J.Pinto that the land on which the subs-station is built belongs to him and his two brothers, and that rent was being recovered by his father from the Hubli Electricity Co., Ltd. As Mr.L.B.Pinto is dead, Mr.A.J.Pinto had demanded the rent on behalf of his two brothers and himself. Mr.Pinto will be asked to produce documentary evidence about the ownership of the land and to produce a power of attorney from his two brothers, and on receipt of these documents, ground rent at the rate of Rs.50/- per annum will be paid, after receipt of Government sanctio-n.

Electrical Engineer to Govt.

P.

ELB 11/3

P. W. .
File .. 5660/36
Serial .. 17201

11 3.49

5660/36
17201

El.Br. P. W. Deptt.

Submitted with reference to C.N. P-67 dated the 13-9-48.

2. Please see C.N. at p. 57-58 which explains the case. The El: Engr. has explained the point raised in para 4 of the C.N. P-57-58 He has further enclosed P-69 letters from Mr. A.J.Pinto and his brothers from which it appears that the land on which the Keshavpur Sub-Station is built belongs to him and his two brothers. The El. Engr. has stated P-71 that he would ask Mr. A.J.Pinto to produce documentary evidence about the ownership of the land and to produce a power of attorney from his two brothers before ~~xxxx~~ making payment of the ground rent in question.

3. In these circumstances there seems no objection to pay the ground rent at the rate of Rs. 50 per annum to Mr. A.J.Pinto from 1-9-43 onwards on the anology of the orders issued in G.L. at p. 45-46. If this is approved the draft put up may issue after U.O.S. to the F.O. It does not appear necy. to refer the pps. to R.L.A as the orders in the above G.L. are issued P-45-46 in consultation with him.

Through A.B.(II).

SAm. 18-4-49. 19/4/49

4. The cost will be met from the maintenance and repairs grant of the Hubli Electric Supply Undertaking under the head "XLI"

20/4/49

21/4/49

Secy. (I)

Submitted to Fin Deptt. S 22-4-49

Finance Department, A.

The orders proposed may be agreed to.

22/4/49

2 Incidentally, it may be pointed out that similar orders at pages 45-46 ante were not shown to this deptt., though they should have been shown. The P.W.D. may, however, be requested to note this for future guidance.

22-4-49

26/4/49

U.R. of the P.W.D. dt. 26-4-49.

D.S.(B) dt 29/4

P. W.D.

Estt. Br.

Submitted.

2 The draft at p. 75 may issue.

29/4/49

Subject above. Para 2 above of P.S. note ?

30/4/49

Estt. Br

Resubmitted.

2 Para 2 of the P.W.D. note above is noted. The draft at p. 75 may now issue.

30/4/49

30/4/49

D

F. 5669/36.

C. 28743.

MV NOV

A.A.S.

MV N 30/4

A.A.S

Letter 75 5660/36
17201

No. 5660/36-El. P. W. Deptt.
B.C., 3 May 1949.

To

The El. Engr. to Government.

Subject:- Hubli Electy. Undertaking,
Payment of ground rent for
Keshwapur Sub-Station.

Reference: Correspondence ending with your No. P-71 LRM11/7790, dated the 11-3-49.

2. The Dy. Engr. in charge of the Hubli Ely. Undertaking should be instructed to pay up an amount of Rs.250 to Mr. A.J.Pinto on account of ground rent for the Keshwapur Sub-station for the period from 1-9-43 to 31-8-48 on receipt of the documentary evidence about the ownership of the land and the power of attorney from the two brothers of Mr. A.J.Pinto, with a clear understanding to the effect that the said payment is being made by him as Dy. Engr. in charge of the Undertaking and without any prejudice to Govt's right in the matter. The charge should be met from the current year's maintenance & repairs grant for the Hubli Electric Supply Undertaking Under "XLI"

3. The amount paid in excess of that which has actually accrued since the Undertaking was taken over should be adjusted at the time of payment of the valuation amount to the Hubli Ely. Coy. Ltd.

D.A.-Nil.

By order etc.

19/4/49 Copy to the F.D.
Secy
S.M.
18-4-49. the A.G., Bbay, (thro' the F.D.)

Ho/4/49

JS.

Secy (I)

Ne/21/4/49

77

Letter.

No. 5660/36-El. Public Works Department.
Bombay Castle, 3rd May 1949.

To

The Electrical Engineer to Government.

Subject:- Hubli Electricity Undertaking;
Payment of ground rent for Keshwapur Sub-Station.

.....

Reference:- Correspondence ending with your No. LRM 11/7790, dated the 11th March 1949.

2. The Deputy Engineer in charge of the Hubli Electricity Undertaking should be instructed to pay up an amount of Rs. 250 to Mr.A.J.Pinto on account of ground rent for the Keshwapur Sub-Station for the period from 1st September 1943 to 31st August 1948 on receipt of the documentary evidence about the ownership of the land and the power of attorney from the two brothers of Mr.A.J.Pinto, with a clear understanding to the effect that the said payment is being made by him as Deputy Engineer in charge of the Undertaking and without any prejudice to Government's right in the matter. The charge should be met from the current year's maintenance and repairs grant for the Hubli Electric Supply Undertaking under "XLI".

3. The amount paid in excess of that which has actually accrued since the Undertaking was taken over should be adjusted at the time of payment of the valuation amount to the Hubli Electricity Company, Limited.

By order of the Governor of Bombay,

for Secretary to the Government of Bombay,
Public Works Department.

D.A.-Nil.

ISSUED
6/5/49

Copy to -

the Finance Department,
the Accountant General, Bombay (through the Finance Department).

KCJa/3-5-49.

Orders issued after consultation with Finance Department.
Notes remain with this Department and can be seen when required.